July 17, 2012

Re: <u>Joseph Hagins and Linda P. Szymoriak-Hagins</u> <u>d/b/a His and Hers Beauty Spa</u> Cases 16-CA-028076 and 16-CA-062829

Antonio Martinez, Esq. Bailey and Gaylen 4900 N. 10th Street, Suite E-2 McAllen, TX 78504

Dear Mr. Martinez:

On February 9, 2012, the Acting General Counsel of the National Labor Relations Board filed with the Board a Motion for Default Judgment on the ground that the Respondent in the above-captioned case, Joseph Hagins and Linda P. Szymoriak-Hagins d/b/a His and Hers Beauty Spa, has failed to file an answer to the Consolidated Complaint and Notice of Hearing issued by NLRB Region 16 on December 29, 2011.

On February 10, 2012, the National Labor Relations Board issued an Order Transferring Proceeding to the Board and Notice to Show Cause postponing indefinitely the hearing scheduled for March 19, 2012, and requiring that the Respondent show cause, in writing and filed with the Board in Washington, D.C. by February 24, 2012, why the Acting General Counsel's Motion should not be granted. The Board's Order Transferring and Notice to Show Cause was served on, among others, Linda Hagins, CEO of His & Hers Beauty Spa, and the Respondent's legal representative of record, Patrick M. Flynn, Esq. of Patrick M. Flynn, P.C., in Houston, Texas. (Both the Acting General Counsel's Motion for Default Judgment and the Acting General Counsel's December 29, 2011 Consolidated Complaint and Notice of Hearing also were served on Attorney Flynn.)

On February 22, 2012, Joseph Hagins filed a letter with the Board—dated February 21—that reasonbly could be construed as a timely response to the Board's Order Transferring and Notice to Show Cause. Mr. Hagins copied you on this letter.

In his letter, Mr. Hagins appeared to be under the mistaken impression that the hearing had been transferred to Washington, D.C. In addition, Mr. Hagins requested that all further correspondence from the Board be sent to his bankruptcy attorney. Contrary to the requirements of the Board's Rules and Regulations, however, Mr. Hagins' February 21 letter was not served on the other parties to this case, including NLRB Region 16 in Fort Worth, Texas and the Charging Party, United Food and Commercial Workers Local 455, affiliated with United Food and Commercial Workers International Union.

Accordingly, this is to advise you that unless Mr. Hagins' letter to the Board dated February 21, 2012 is served on NLRB Region 16 and the Charging Party by July 31, 2012, the Board will issue a Decision and Order granting the Acting General Counsel's Motion for Default Judgment. Proof that this letter has been properly served on all parties must be provided to the Board in Washington, D.C. in an Affidavit of Service to be filed by July 31, 2012. This affidavit may be filed electronically on the Board's website www.nlrb.gov.

Very truly yours,

Henry S. Breiteneicher Associate Executive Secretary

cc: Linda Hagins, CEO His & Hers Beauty Spa 27404 Daniella Ct. Harlingen, TX 78552

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